

Bayamón Acquisition Properties, Inc.

RR-9 Box 1892 San Juan, PR 00926
Tel. (787) 250-2000 ❖ Fax 1(888) 325-6786

R 01/28/2014
[Signature]

January 28, 2014

Eng. Carlos R. Villafañe, P.E.
Active Branch Chief
Multimedia Permits and Compliance Branch
Attention: Eng. Hector D. Ortiz
Environmental Engineering
Caribbean Environment Protection Division
US Environmental Protection Agency, Region 2
City view Plaza II - Suite 7000
#48, PR-165 Km. 1.2
Guaynabo, PR 00968-8069

2014 JAN 28 AM 9:06
US EPA
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Wanda Garcia, Director
Water Quality Area
Puerto Rico Environmental Quality Board
P.O. Box 11488
Santurce, PR 00910
Attn: Director Water Quality Area

Re: Administrative Compliance Order
Docket # CWA-02-2013-3128
NPDES Tracking Number: PRU002779
Bayamon Acquisition Properties, Inc.

Project: Valley View Residential Development

Ladies and Gentlemen:

Enclosed please find petition by Eng. Miguel Diaz Torres "*Moción sometiendo informe de progreso a 15 de enero de 2014 y solicitando relevo de nombramiento como administrador judicial (receiver)*".

As we have informed you, since December 2012 the bank and our company engaged in a legal controversy. On April 17, 2013, we agreed in court the request by Doral to appoint a judicial receiver, who was finally appointed, by the court on June 27, 2013. The Receiver was to continue construction and to give priority to the construction and permits of the waste water treatment plant in the project and give the project continuity.

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BAP-EPA

Seven months have elapsed and, to this date, the judicial receiver has only changed the supplier to remove continuously the wastewater from the temporary tank to "Today Plumbing Services". The bank has not even paid the Receiver.

During several meeting between the judicial receiver and Saniplant, our original supplier, they were advised that the works on the permanent treatment plant were significantly completed, which required the process of obtaining the amendment to the Consolidated Permit from "Junta de Calidad Ambiental" and obtain the permits to operate the plant.

We have been negotiating in court for the past two months to have the Bank and the Receiver honor and enforce the stipulation and Court Order, with the bank and Receiver to administer the project while we settle giving high priority to the completion of the permanent wastewater treatment plant, pay suppliers and continue construction.

Today we received notification from the judicial receiver that the bank will not honor the agreement nor the Court Order; the bank argues that it is out of funds (Doral Bank is insolvent and it is expected the FDOC will close said bank in the next few months) to continue the disbursements in the loan to continue removing wastewater from temporary tank and to finish the permanent treatment plant. The receiver wants to resign.

The Receiver has exclusive possession of the land and project, we do not have access nor authority to perform any work or action. Today we have filed a petition to the court requesting an **emergency authorization** to access the project and implement an emergency plan to avoid wastewater spills in a temporary but safe fashion.

We understand that this responsibility is of Doral Bank and its judicial receiver, but we will be paying special attention to any situation in the site while the matter is attended in court and take whatever remedial action is accessible to us.

We will be continuously informing you of the events as they unfold, we take the situation very seriously and regard it a highly important matter.

Cordially,


Fernando Fernández
President

Cc: Eng. Miguel Diaz, Judicial Receiver
Edilberto Berrios, Attorney BAP

ESTADO LIBRE ASOCIADO DE PUERTO RICO
TRIBUNAL DE PRIMERA INSTANCIA
SALA SUPERIOR DE CAGUAS

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14 JAN 2014 03

DORAL RECOVERY II, LLC,

Demandante,

v.

BAYAMÓN ACQUISITION
PROPERTIES, INC., FERNANDO
FERNÁNDEZ AGUILÓ; HUGUETTE
QUINTANA ARROYO,

Demandados.

CIVIL NÚM.: E PE2012-0322 (612)

SOBRE:

ENTREDICHO PROVISIONAL;
INJUNCTION PRELIMINAR y
PERMANENTE

**MOCIÓN SOMETIENDO INFORME DE PROGRESO A 15 DE ENERO DE 2014
Y SOLICITANDO RELEVO DE NOMBRAMIENTO
COMO ADMINISTRADOR JUDICIAL ("RECEIVER")**

AL HONORABLE TRIBUNAL:

COMPARECE EL ADMINISTRADOR JUDICIAL, Ing. Miguel Díaz Torres, por derecho propio, y muy respetuosamente expone y solicita:

1. Según informado al Tribunal y a las partes en la vista del 16 de enero de 2014, el suscribiente por la presente somete el Informe de progreso sobre la condición del proyecto y gestiones realizadas que cubre el periodo hasta el 15 de enero de 2014. Véase Anejo 1. Dicho Informe incluye, además, las certificaciones pendientes de pago por servicios rendidos en noviembre de 2013 y certificados en diciembre de 2013.

2. Se incluyen, además, certificaciones por servicios prestados en diciembre de 2013 y la primera mitad de enero 2014, las cuales también están pendientes de pago. Véase Anejo 2.

3. Finalmente, según lo discutido en la vista del 16 de enero de 2014, y debido a que no hay fondos disponibles para el pago de servicios adicionales, el suscribiente, Ing. Miguel Díaz, solicita se le releve de su cargo como administrador judicial (o "receiver") del proyecto en cuestión efectivo de inmediato y se le releve de toda responsabilidad ulterior relacionada con el mismo.

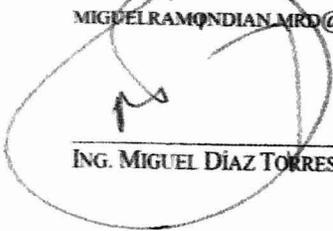
POR TODO LO CUAL, el suscribiente, Ing. Miguel Díaz Torres, solicita de este Honorable Tribunal que tome conocimiento de lo anterior, particularmente del Informe de progreso y de las certificaciones pendientes de pago, y releve al suscribiente de su cargo como administrador judicial efectivo de inmediato.

RESPETUOSAMENTE SOMETIDA.

CERTIFICO: haber enviado copia fiel y exacta del presente escrito al **Lcdo. Edilberto Berrios Pérez** a: Edificio Capital Center, Torre Sur, Suite 900, 239 Arterial Avenida Hostos, San Juan, Puerto Rico 00918-1400, al **Lcdo. Roberto Cámara Fuertes y Lcda. Joseline Rodríguez Ortiz**, Fiddler González & Rodríguez, PSC, PO Box 363507, San Juan, PR 00936-3134 y al **Lcdo. Edgardo Rivera Rivera**, PO Box 360764, San Juan, PR 00936-0764.

En San Juan, Puerto Rico, a 22 de enero de 2014.

MIGUEL DÍAZ TORRES
ADMINISTRADOR JUDICIAL
CALLE 5 BLOQUE D #18
URB. COLINAS DE CUPEY
SAN JUAN, PR 00926
TEL. (787) 923-4208
MIGUELRAMONDIAN.MRD@GMAIL.COM



ING. MIGUEL DÍAZ TORRES